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Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

June 7, 2011

ENTERED
Office of Proceedings

Re: East Tennessee Railway, L.P.
- Exempt Abandonment -
In Washington and Carter Counties, TN
STB Docket No. AB-1031X

JUN 7 2011

Part of
Public Record

Dear Ms. Brown:

In its decision served January 5, 2010, the Board, *inter alia*, imposed as a condition to the abandonment of the line, that East Tennessee Railway, L.P. ("ETRY") retain its interest in the line, and not perform any salvage, until the Section 106 process was complete. ETRY has consulted further with the Tennessee State Historic Preservation Officer ("SHPO"), and is enclosing a letter dated May 26, 2011 from the SHPO confirming that its review is complete and that the proposed abandonment will "NOT ADVERSELY AFFECT ANY PROPERTY THAT IS ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES." Accordingly, ETRY requests that the Board remove the Section 106 condition.

As indicated in the letter filed with the Board by the City of Johnson City, Tennessee ("City") on June 2, 2011, ETRY and the City have reached agreement on the terms of an interim trail use / rail banking agreement. Because of the schedules of the parties, ETRY and the City want to close on or before June 24, 2011, and not later than June 29, 2011. Accordingly, ETRY respectfully requests that the Board confirm, as soon as possible and prior to June 22, 2011, that the Section 106 condition has been satisfied.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

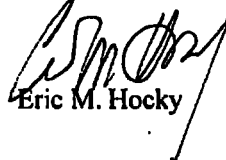
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Please let me know if you need any additional information. Thank you for your consideration of this request.

Respectfully,



Eric M. Hocky

EMH/e

cc (by email, w/encl.):

Danielle Gosselin

Office of Environmental Analysis

Charles H. Montange, attorney for City of Johnson City

ETRY



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

May 26, 2011

Mr. Eric M. Hocky
Thorp Reed and Associates
2005 Market St./1000
Philadelphia, Pennsylvania, 19103-7041

RE: STB, STB DOCKET NO. AB-1031X, CARTER, WASHINGTON COUNTY

Dear Mr. Hocky:

In response to your request, received on Tuesday, May 24, 2011, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at <http://www.tennessee.gov/environment/hist/federal/sect106.shtml>

Considering available information, we find that the project as currently proposed will NOT ADVERSELY AFFECT ANY PROPERTY THAT IS ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. Therefore, this office has no objection to the implementation of this project. Please direct questions and comments to Joe Garrison (615) 532-1550-103.
We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg